

EXHIBIT 4

REDACTED

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.; 3:17-cv-00939-WHA

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

-----/

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF ANTHONY LEVANDOWSKI

SAN FRANCISCO, CALIFORNIA

TUESDAY, AUGUST 22, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2684906

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1 my counsel, I respectfully decline to answer, and I 14:17
2 assert the rights guaranteed to me under the Fifth 14:17
3 Amendment to the Constitution of the United States. 14:17

4 MR. PERLSON: Q. And is it correct that, 14:17
5 while you were at Google, you -- let me start over 14:17
6 again. 14:17

7 And is it correct that, while you were at 14:17
8 Uber, you used information obtained from Google 14:17
9 regarding its testing scenarios for midrange and 14:17
10 long-range LiDAR? 14:17

11 MS. DUNN: Form. 14:17

12 MR. RADKE: Join. 14:17

13 THE WITNESS: On the advice and direction of 14:17
14 my counsel, I respectfully decline to answer, and I 14:17
15 assert the rights guaranteed to me under the Fifth 14:17
16 Amendment to the Constitution of the United States. 14:17

17 MR. PERLSON: Q. Do you know what Odin Wave 14:17
18 is? 14:21

19 A On the advice and direction of my counsel, I 14:21
20 respectfully decline to answer, and I assert the 14:21
21 rights guaranteed to me under the Fifth Amendment to 14:21
22 the Constitution of the United States. 14:21

23 Q While you were employed by Waymo, you owned 14:21
24 and operated a LiDAR development company called 14:21
25 Odin Wave; isn't that right? 14:21

1 A On the advice and direction of my counsel, I 14:21
2 respectfully decline to answer, and I assert the 14:21
3 rights guaranteed to me under the Fifth Amendment to 14:21
4 the Constitution of the United States. 14:21

5 Q The LiDAR systems at Odin Wave, they 14:21
6 incorporated fiber laser technology; didn't they? 14:21

7 MS. DUNN: Form. 14:21

8 MR. RADKE: Join. 14:21

9 THE WITNESS: On the advice and direction of 14:21
10 my counsel, I respectfully decline to answer, and I 14:21
11 assert the rights guaranteed to me under the Fifth 14:21
12 Amendment to the Constitution of the United States. 14:21

13 MR. PERLSON: Q. At some point, Odin -- the 14:21
14 name of Odin Wave changed to Tyto Lidar. 14:21

15 Do you recall that? 14:22

16 A On the advice and direction of my counsel, I 14:22
17 respectfully decline to answer, and I assert the 14:22
18 rights guaranteed to me under the Fifth Amendment to 14:22
19 the Constitution of the United States. 14:22

20 Q Why did the name change from Odin Wave to 14:22
21 Tyto Lidar? 14:22

22 A On the advice and direction of my counsel, I 14:22
23 respectfully decline to answer, and I assert the 14:22
24 rights guaranteed to me under the Fifth Amendment to 14:22
25 the Constitution of the United States. 14:22

1 Q Was it to obscure the existence of that 14:22
2 business to Google? 14:22
3 MS. DUNN: Form. 14:22
4 MR. RADKE: Join. 14:22
5 THE WITNESS: On the advice and direction of 14:22
6 my counsel, I respectfully decline to answer, and I 14:22
7 assert the rights guaranteed to me under the Fifth 14:22
8 Amendment to the Constitution of the United States. 14:22
9 MR. PERLSON: Q. Did you provide technical 14:22
10 guidance to engineers at Tyto Lidar? 14:23
11 A On the advice and direction of my counsel, I 11:43
12 respectfully decline to answer, and I assert the 11:43
13 rights guaranteed to me under the Fifth Amendment to 11:43
14 the Constitution of the United States. 11:43
15 Q Did you provide technical guidance to 14:23
16 engineers at Tyto Lidar regarding [REDACTED] 14:23
17 technology? 14:23
18 A On the advice and direction of my counsel, I 14:23
19 respectfully decline to answer, and I assert the 14:23
20 rights guaranteed to me under the Fifth Amendment to 14:23
21 the Constitution of the United States. 14:23
22 Q Do you recall personally instructing James 14:23
23 Haslim how to construct a [REDACTED] based on the 14:24
24 research and development being -- that was carried out 14:24
25 while you were at Google? 14:24

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1 MS. DUNN: Form. 14:24

2 MR. RADKE: Join. 14:24

3 THE WITNESS: On the advice and direction of 14:24

4 my counsel, I respectfully decline to answer, and I 14:24

5 assert the rights guaranteed to me under the Fifth 14:24

6 Amendment to the Constitution of the United States. 14:24

7 MR. PERLSON: Q. Well, didn't you personally 14:24

8 instruct James Haslim how to build [REDACTED] 14:24

9 [REDACTED], based on the 14:24

10 research and development being carried out at Google, 14:24

11 while you were there? 14:24

12 MS. DUNN: Form. 14:24

13 MR. RADKE: Join. 14:24

14 THE WITNESS: On the advice and direction of 14:24

15 my counsel, I respectfully decline to answer, and I 14:24

16 assert the rights guaranteed to me under the Fifth 14:24

17 Amendment to the Constitution of the United States. 14:24

18 MR. PERLSON: Q. Do you recall personally 14:24

19 instructing James Haslim to [REDACTED] 14:25

20 [REDACTED] 14:25

21 [REDACTED]? 14:25

22 MS. DUNN: Form. 14:25

23 MR. RADKE: Join. 14:25

24 THE WITNESS: On the advice and direction of 14:25

25 my counsel, I respectfully decline to answer, and I 14:25

1 assert the rights guaranteed to me under the Fifth 14:25
2 Amendment to the Constitution of the United States. 14:25
3 MR. PERLSON: Q. Did you know or understand 14:25
4 at the time, that the information that you were 14:25
5 providing to Mr. Haslim regarding this [REDACTED] 14:25
6 technology, was confidential to Google while you were 14:25
7 at Google? 14:25
8 MS. DUNN: Form. 14:25
9 MR. RADKE: Join. 14:25
10 THE WITNESS: On the advice and direction of 14:25
11 my counsel, I respectfully decline to answer, and I 14:25
12 assert the rights guaranteed to me under the Fifth 14:25
13 Amendment to the Constitution of the United States. 14:26
14 MR. PERLSON: Q. Was the information you 14:26
15 conveyed to Mr. Haslim regarding [REDACTED] 14:26
16 technology generally known? 14:26
17 MS. DUNN: Form. 14:26
18 MR. RADKE: Join. 14:26
19 THE WITNESS: On the advice and direction of 14:26
20 my counsel, I respectfully decline to answer, and I 14:26
21 assert the rights guaranteed to me under the Fifth 14:26
22 Amendment to the Constitution of the United States. 14:26
23 MR. PERLSON: Q. Did the information you 14:26
24 provided to Mr. Haslim, regarding the [REDACTED] 14:26
25 technology, have independent economic value because it 14:26

1 was kept secret? 14:26

2 MS. DUNN: Form. 14:26

3 MR. RADKE: Join. 14:26

4 THE WITNESS: On the advice and direction of 14:26

5 my counsel, I respectfully decline to answer, and I 14:26

6 assert the rights guaranteed to me under the Fifth 14:26

7 Amendment to the Constitution of the United States. 14:26

8 MR. PERLSON: Q. Did the [REDACTED] 14:26

9 technology that you conveyed to Mr. Haslim allow Tyto 14:27

10 Lidar to construct a more cost effect -- 14:27

11 cost-efficient [REDACTED] design for its Owl LiDAR 14:27

12 system? 14:27

13 MS. DUNN: Form. 14:27

14 MR. RADKE: Join. 14:27

15 THE WITNESS: On the advice and direction of 14:27

16 my counsel, I respectfully decline to answer, and I 14:27

17 assert the rights guaranteed to me under the Fifth 14:27

18 Amendment to the Constitution of the United States. 14:27

19 MR. PERLSON: Q. Was the information you 14:27

20 passed along to Mr. Haslim, regarding the [REDACTED] 14:27

21 technology, in actuality something you had learned 14:28

22 from Google during your work there on its self-driving 14:28

23 technology project? 14:28

24 MS. DUNN: Form. 14:28

25 MR. RADKE: Join. 14:28

1 THE WITNESS: On the advice and direction of 14:28
2 my counsel, I respectfully decline to answer, and I 14:28
3 assert the rights guaranteed to me under the Fifth 14:28
4 Amendment to the Constitution of the United States. 14:28

5 MR. PERLSON: Q. When Uber acquired Otto, 14:28
6 part of the deal was for Otto to acquire Tyto Lidar; 14:28
7 right? 14:28

8 MS. DUNN: Form. 14:28

9 MR. RADKE: Join. 14:28

10 THE WITNESS: On the advice and direction of 14:28
11 my counsel, I respectfully decline to answer, and I 14:28
12 assert the rights guaranteed to me under the Fifth 14:28
13 Amendment to the Constitution of the United States. 14:28

14 MR. PERLSON: Q. Well, the informa- -- 14:28
15 so let me start over. 14:28

16 Otto bought Tyto Lidar; is that right? 14:28

17 A On the advice and direction of my counsel, I 14:28
18 respectfully decline to answer, and I assert the 14:28
19 rights guaranteed to me under the Fifth Amendment to 14:28
20 the Constitution of the United States. 14:29

21 Q So, if you provided confidential information 14:29
22 you learned while you were at Google to Tyto, and then 14:29
23 Tyto was bought by Otto, and then Otto was eventually 14:29
24 bought by Uber, that allowed the information you 14:29
25 learned at Google to make its way to Uber? 14:29

1 MS. DUNN: Form. 14:29

2 MR. RADKE: Join. 14:29

3 THE WITNESS: On the advice and direction of 14:29

4 my counsel, I respectfully decline to answer, and I 14:29

5 assert the rights guaranteed to me under the Fifth 14:29

6 Amendment to the Constitution of the United States. 14:29

7 MR. PERLSON: Q. Isn't it true that one of 14:29

8 the files that you improperly retained from your work 14:29

9 at Google included a Google fiber laser for car LiDAR 14:29

10 presentation, describing [REDACTED] 14:29

11 [REDACTED] 14:30

12 MS. DUNN: Form. 14:30

13 MR. RADKE: Join. 14:30

14 THE WITNESS: On the advice and direction of 14:30

15 my counsel, I respectfully decline to answer, and I 14:30

16 assert the rights guaranteed to me under the Fifth 14:30

17 Amendment to the Constitution of the United States. 14:30

18 MR. PERLSON: Q. Isn't it also true that the 14:30

19 [REDACTED] technology that you instructed Mr. Haslim 14:30

20 to develop at Tyto Lidar became incorporated into the 14:30

21 Spider device at Uber? 14:30

22 MS. DUNN: Form. 14:30

23 MR. RADKE: Join. 14:30

24 THE WITNESS: On the advice and direction of 14:30

25 my counsel, I respectfully decline to answer, and I 14:30

1 assert the rights guaranteed to me under the Fifth 14:30
2 Amendment to the Constitution of the United States. 14:30
3 MR. PERLSON: Q. And that [REDACTED] 14:30
4 technology allowed Otto to more quickly develop [REDACTED] 14:30
5 [REDACTED] for the Spider device; right? 14:30
6 MS. DUNN: Form. 14:30
7 MR. RADKE: Join. 14:30
8 THE WITNESS: On the advice and direction of 14:30
9 my counsel, I respectfully decline to answer, and I 14:30
10 assert the rights guaranteed to me under the Fifth 14:30
11 Amendment to the Constitution of the United States. 14:30
12 MR. PERLSON: Q. And that saved Uber and 14:30
13 Otto money and time by not having developed its own 14:31
14 [REDACTED] technology for the Spider device? 14:31
15 MS. DUNN: Form. 14:31
16 MR. RADKE: Join. 14:31
17 THE WITNESS: On the advice and direction of 14:31
18 my counsel, I respectfully decline to answer, and I 14:31
19 assert the rights guaranteed to me under the Fifth 14:31
20 Amendment to the Constitution of the United States. 14:31
21 MR. PERLSON: Q. Did you use the information 14:31
22 from the Google [REDACTED] document 14:31
23 that you had taken from Google to further enhance the 14:31
24 [REDACTED] design for the Spider device at Uber? 14:31
25 MS. DUNN: Form. 14:31

1 MR. RADKE: Join. 14:31

2 THE WITNESS: On the advice and direction of 14:31

3 my counsel, I respectfully decline to answer, and I 14:31

4 assert the rights guaranteed to me under the Fifth 14:31

5 Amendment to the Constitution of the United States. 14:32

6 MR. PERLSON: Q. So, getting back to Tyto 14:32

7 again, Ottomotto acquired most of Tyto LiDAR's assets 14:32

8 in May of 2016; is that right? 14:32

9 A On the advice -- 14:32

10 MS. DUNN: Form. 14:32

11 THE WITNESS: -- and direction -- on the 14:32

12 advice and direction of my counsel, I respectfully 14:32

13 decline to answer, and I assert the rights guaranteed 14:32

14 to me under the Fifth Amendment to the Constitution of 14:32

15 the United States. 14:32

16 MR. PERLSON: Mark that. 14:32

17 THE REPORTER: 633. 14:33

18 (Document marked Exhibit 633 14:33

19 for identification.) 14:33

20 MR. PERLSON: You've been marked -- you've 14:33

21 been handed what's been marked as 633 -- 14:33

22 MS. DUNN: Excuse me. Sorry. 14:33

23 MR. PERLSON: -- '47823 to '29. 14:33

24 Q Do you recognize this as the agreement to -- 14:33

25 between Otto and Tyto to -- and Tyto to sell assets of 14:33

1 Tyto to Otto? 14:33

2 A The title of the document says: 14:33

3 "Bill of Sale and Assignment and Assumption 14:33

4 Agreements." 14:33

5 Q Do you recognize this document? 14:33

6 A On the advice and direction of my counsel, I 14:33

7 respectfully decline to answer, and I assert the 14:33

8 rights guaranteed to me under the Fifth Amendment to 14:33

9 the Constitution of the United States. 14:33

10 Q Do you know what the terms of the sale were 14:33

11 of assets from Tyto to Otto? 14:33

12 A On the advice and direction of my counsel, I 14:33

13 respectfully decline to answer, and I assert the 14:33

14 rights guaranteed to me under the Fifth Amendment to 14:33

15 the Constitution of the United States. 14:34

16 Q Did you own Tyto Lidar through a number of 14:34

17 shell companies? 14:34

18 MS. DUNN: Form. 14:34

19 MR. RADKE: Join. 14:34

20 THE WITNESS: On the advice and direction of 14:34

21 my counsel, I respectfully decline to answer, and I 14:34

22 assert the rights guaranteed to me under the Fifth 14:34

23 Amendment to the Constitution of the United States. 14:34

24 MR. PERLSON: Q. Did you control Tyto Lidar 14:34

25 through shell companies? 14:34

1 MS. DUNN: Form. 14:34

2 MR. RADKE: Join. 14:34

3 THE WITNESS: On the advice and direction of 14:34

4 my counsel, I respectfully decline to answer and I 14:34

5 assert the rights guaranteed to me under the Fifth 14:34

6 Amendment to the Constitution of the United States. 14:34

7 THE REPORTER: 634. 14:35

8 (Document marked Exhibit 634 14:35

9 for identification.) 14:35

10 MR. PERLSON: Handing you what's been marked 14:35

11 as Exhibit 634, UBER-47857 through '61. 14:35

12 Q Do you recognize Exhibit 634? 14:35

13 A It's titled -- it's -- on the advice of my -- 14:35

14 and direction of my counsel, I respectfully decline to 14:35

15 answer, and I assert the rights guaranteed to me under 14:35

16 the Fifth Amendment to the Constitution of the United 14:35

17 States. 14:35

18 Q Well, you see that the title of the document 14:35

19 is: 14:35

20 "Operating Agreement of Tyto Lidar, LLC." 14:35

21 A I do see that, yes. 14:35

22 Q And it says that this operating agreement -- 14:35

23 this agreement, dated as of February 15, 2014, is 14:35

24 declared to be the operating agreement of Tyto Lidar, 14:35

25 LLC, the company, by Sandstone Group, a limited -- 14:36

1 LLC, a limited liability company, its sole member -- 14:36
2 the sole member. 14:36
3 Do you see that? 14:36
4 A Yes. 14:36
5 Q [REDACTED] 14:36
6 A On the advice and direction of my counsel, I 14:36
7 respectfully decline to answer, and I assert the 14:36
8 rights guaranteed to me under the Fifth Amendment to 14:36
9 the Constitution of the United States. 14:36
10 Q And was this Tyto Lidar, LLC -- sorry. 14:36
11 [REDACTED] 14:36
12 [REDACTED] 14:36
13 A On the advice and direction of my counsel, I 14:36
14 respectfully decline to answer, and I assert the 14:36
15 rights guaranteed to me under the Fifth Amendment to 14:36
16 the Constitution of the United States. 14:36
17 Q [REDACTED] 14:37
18 [REDACTED] 14:37
19 A On the advice and direction of my counsel, I 14:37
20 respectfully decline to answer, and I assert the 14:37
21 rights guaranteed to me under the Fifth Amendment to 14:37
22 the Constitution of the United States. 14:37
23 Q [REDACTED] 14:37
24 [REDACTED] 14:37
25 A On the advice and direction of my counsel, I 14:37

1 respectfully decline to answer, and I assert the 14:37
2 rights guaranteed to me under the Fifth Amendment to 14:37
3 the Constitution of the United States. 14:38

4 Q Have you heard of -- ever heard of the 14:38
5 [REDACTED] 14:38

6 A On the advice and direction of my counsel, I 14:38
7 respectfully decline to answer, and I assert the 14:38
8 rights guaranteed to me under the Fifth Amendment to 14:38
9 the Constitution of the United States. 14:38

10 THE REPORTER: 635. 14:38

11 MR. PERLSON: Sorry. 14:38

12 MR. EHRLICH: It's okay. 14:38

13 (Document marked Exhibit 635 14:38
14 for identification.) 14:39

15 MR. PERLSON: Sorry. What is this? 635? 14:39

16 THE REPORTER: Yes. 14:39

17 MR. PERLSON: Q. Do you recognize -- so 14:39
18 Exhibit 635 is -- it's labeled [REDACTED] 14:39

19 [REDACTED] 14:39

20 Do you see that the title of it says: 14:39

21 [REDACTED] 14:39

22 [REDACTED] 14:39

23 A Yes. 14:39

24 Q Okay. And it's -- you see it says: 14:39

25 [REDACTED] 14:39

1 [REDACTED] 14:39
2 [REDACTED] 14:39
3 Do you see that? 14:40
4 A I see it. 14:40
5 Q Okay. And, if you'll look on -- I guess it's 14:40
6 [REDACTED] 14:40
7 A (Witness complies.) 14:40
8 Q That's your signature? 14:40
9 A Yes. 14:40
10 Q What -- [REDACTED] 14:40
11 [REDACTED] 14:40
12 A On the advice and direction of my counsel, I 14:40
13 respectfully decline to answer, and I assert the 14:40
14 rights guaranteed to me under the Fifth Amendment to 14:40
15 the Constitution of the United States. 14:40
16 Q Do you see that, on the -- the last couple of 14:40
17 pages, [REDACTED] 14:41
18 [REDACTED] 14:41
19 A Yep. 14:41
20 Q So, was this [REDACTED] 14:41
21 A On the advice and direction of my counsel, I 14:41
22 respectfully decline to answer, and I assert the 14:41
23 rights guaranteed to me under the Fifth Amendment to 14:41
24 the Constitution of the United States. 14:41
25 Q Was this [REDACTED] 14:41

1 [REDACTED] 14:41

2 MS. DUNN: Form. 14:41

3 THE WITNESS: On the advice and direction of 14:41

4 my counsel, I respectfully decline to answer, and I 14:41

5 assert the rights guaranteed to me under the Fifth 14:41

6 Amendment to the Constitution of the United States. 14:41

7 MR. PERLSON: Q. Are you aware of any other 14:41

8 reason to [REDACTED] 14:41

9 MS. DUNN: Form. 14:41

10 THE WITNESS: On the advice and direction of 14:41

11 my counsel, I respectfully decline to answer, and I 14:41

12 assert the rights guaranteed to me under the Fifth 14:41

13 Amendment to the Constitution of the United States. 14:41

14 MR. PERLSON: Q. [REDACTED] 14:41

15 [REDACTED] 14:42

16 A On the advice and direction of my counsel, I 14:42

17 respectfully decline to answer, and I assert the 14:42

18 rights guaranteed to me under the Fifth Amendment to 14:42

19 the Constitution of the United States. 14:42

20 Q [REDACTED] 14:42

21 [REDACTED] 14:42

22 A On the advice and direction of my counsel, I 14:42

23 respectfully decline to answer, and I assert the 14:42

24 rights guaranteed to me under the Fifth Amendment to 14:42

25 the Constitution of the United States. 14:42

1 Q Now, you [REDACTED] 14:42
2 [REDACTED] 14:42
3 [REDACTED] 14:42
4 [REDACTED] 14:42
5 [REDACTED] 14:43
6 Is that your understanding? 14:43
7 A On the advice and direction of my counsel, I 14:43
8 respectfully decline to answer, and I assert the 14:43
9 rights guaranteed to me under the Fifth Amendment to 14:43
10 the Constitution of the United States. 14:43
11 Q Well, by doing that, you could reclaim full 14:43
12 ownership of Tyto at any time; right? 14:43
13 A On the advice and direction of my counsel, I 14:43
14 respectfully decline to answer, and I assert the 14:43
15 rights guaranteed to me under the Fifth Amendment to 14:43
16 the Constitution of the United States. 14:43
17 Q And then, if you look -- and [REDACTED] 14:43
18 [REDACTED], if it's useful. 14:43
19 A (Witness complies.) 14:43
20 Q [REDACTED] 14:43
21 [REDACTED] 14:43
22 A Do you want me to read the section? 14:44
23 Q Well, I'm just asking you a question. 14:44
24 A On the advice and direction of my counsel, I 14:44
25 respectfully decline to answer, and I assert the 14:44

1 rights guaranteed to me under the Fifth Amendment to 14:44
2 the Constitution of the United States. 14:44
3 Q [REDACTED] 14:44
4 [REDACTED] 14:44
5 A On the advice and direction of my counsel, I 14:44
6 respectfully decline to answer, and I assert the 14:44
7 rights guaranteed to me under the Fifth Amendment to 14:44
8 the Constitution of the United States. 14:44
9 Q [REDACTED] 14:44
10 A On the advice and direction of my counsel, I 14:44
11 respectfully decline to answer, and I assert the 14:44
12 rights guaranteed to me under the Fifth Amendment to 14:44
13 the Constitution of the United States. 14:44
14 Q [REDACTED] 14:44
15 [REDACTED] 14:44
16 [REDACTED] 14:44
17 [REDACTED] 14:44
18 A On the advice and direction of my counsel, I 14:44
19 respectfully decline to answer, and I assert the 14:44
20 rights guaranteed to me under the Fifth Amendment to 14:44
21 the Constitution of the United States. 14:45
22 Q If you'll look on [REDACTED]. 14:45
23 A (Witness complies.) 14:45
24 Q [REDACTED] 14:45
25 Do you see that? 14:45

1	A	I see the --	14:45
2	Q	[REDACTED]	14:45
3		pers- -- I'm sorry.	14:45
4		She's a paralegal for your personal attorney,	14:45
5		John Gardner; is that right?	14:45
6	A	On the advice and direction of my counsel, I	14:45
7		respectfully decline to answer, and I assert the	14:45
8		rights guaranteed to me under the Fifth Amendment to	14:45
9		the Constitution of the United States.	14:45
10	Q	If you'll look on [REDACTED].	14:45
11	A	(Witness complies.)	14:45
12	Q	There is an [REDACTED].	14:45
13		Do you see that?	14:45
14	A	I see it.	14:45
15	Q	[REDACTED]	14:45
16		Do you see that?	14:46
17	A	I see the page, yep.	14:46
18	Q	[REDACTED]	14:46
19		[REDACTED]	14:46
20		[REDACTED]	14:46
21		[REDACTED]	14:46
22		Do you see that?	14:46
23	A	I see that.	14:46
24	Q	[REDACTED]	14:46
25		[REDACTED]	14:46

1 A On the advice and direction of my counsel, I 14:46
2 respectfully decline to answer, and I assert the 14:46
3 rights guaranteed to me under the Fifth Amendment to 14:46
4 the Constitution of the United States. 14:46

5 ■ [REDACTED] 14:46
6 [REDACTED] 14:46

7 A On the advice and direction of my counsel, I 14:46
8 respectfully decline to answer, and I assert the 14:46
9 rights guaranteed to me under the Fifth Amendment to 14:46
10 the Constitution of the United States. 14:47

11 ■ [REDACTED] 14:47
12 [REDACTED] 14:47
13 [REDACTED] 14:47

14 A On the advice and direction of my counsel, I 14:47
15 respectfully decline to answer, and I assert the 14:47
16 rights guaranteed to me under the Fifth Amendment to 14:47
17 the Constitution of the United States. 14:47

18 ■ [REDACTED] 14:47
19 [REDACTED] 14:47
20 [REDACTED] 14:47
21 [REDACTED] 14:47

22 A On the advice and direction of my counsel, I 14:47
23 respectfully decline to answer, and I assert the 14:47
24 rights guaranteed to me under the Fifth Amendment to 14:47
25 the Constitution of the United States. 14:47

1 Q Did you tell Lior Ron that you had 14:47
2 involvement with Tyto Lidar? 14:48
3 A On the advice and direction of my counsel, I 14:48
4 respectfully decline to answer, and I assert the 14:48
5 rights guaranteed to me under the Fifth Amendment to 14:48
6 the Constitution of the United States. 14:48
7 Q Did you tell anybody who was involved in the 14:48
8 acquisition of Tyto Lidar by Otto that you, in fact, 14:48
9 had an ownership and controlling interest of Tyto 14:48
10 Lidar? 14:48
11 A On the advice and direction of my counsel, I 14:48
12 respectfully decline to answer, and I assert the 14:48
13 rights guaranteed to me under the Fifth Amendment to 14:48
14 the Constitution of the United States. 14:48
15 Q And isn't it true that you actually 14:48
16 repeatedly denied having involve- -- involvement in 14:48
17 Tyto Lidar? 14:48
18 A On the advice and direction of my counsel, I 14:48
19 respectfully decline to answer, and I assert the 14:48
20 rights guaranteed to me under the Fifth Amendment to 14:48
21 the Constitution of the United States. 14:49
22 Q Now, in -- when -- during the negotiations 14:49
23 with -- in the Asset Purchase Agreement with Tyto 14:49
24 Lidar, you were, in fact, negotiating that agreement 14:49
25 on behalf of Ottomotto; isn't that right? 14:49

1 A On the advice and direction of my counsel, I 14:49
2 respectfully decline to answer, and I assert the 14:49
3 rights guaranteed to me under the Fifth Amendment to 14:49
4 the Constitution of the United States. 14:49

5 Q And don't you think you should have told 14:49
6 somebody at Otto or Uber that you had involvement or 14:49
7 ownership or controlling interest in Tyto when that 14:49
8 acquisition was being negotiated? 14:49

9 A On the advice and direction of my counsel, I 14:49
10 respectfully decline to answer, and I assert the 14:49
11 rights guaranteed to me under the Fifth Amendment to 14:49
12 the Constitution of the United States. 14:49

13 Q Don't you think that -- that your negotiating 14:49
14 on behalf of Ottomotto, while you had an ownership and 14:50
15 controlling interest in Tyto, smacks of self-dealing? 14:50

16 A On the advice and direction of my counsel, I 14:50
17 respectfully decline to answer, and I assert the 14:50
18 rights guaranteed to me under the Fifth Amendment to 14:50
19 the Constitution of the United States. 14:50

20 Q Do you think that's unethical? 14:50

21 A On the advice and direction of my counsel, I 14:50
22 respectfully decline to answer, and I assert the 14:50
23 rights guaranteed to me under the Fifth Amendment to 14:50
24 the Constitution of the United States. 14:50

25 Q Now, are you aware that the Asset Purchase 14:50

1 Agreement between Tyto Lidar and Ottomotto excluded 14:50
2 certain assets from the purchase? 14:50
3 A On the advice and direction of my counsel, I 14:50
4 respectfully decline to answer, and I assert the 14:50
5 rights guaranteed to me under the Fifth Amendment to 14:50
6 the Constitution of the United States. 14:52
7 Q Do you understand that the -- hold on a 14:52
8 second. 14:52
9 Do you understand that, among the assets 14:52
10 excluded from the sale of Tyto Lidar to Ottomotto, was 14:52
11 all e-mail accounts and e-mail archives owned by Tyto 14:52
12 Lidar? 14:52
13 A On the advice and direction of my counsel, I 14:52
14 respectfully decline to answer, and I assert the 14:52
15 rights guaranteed to me under the Fifth Amendment to 14:52
16 the Constitution of the United States. 14:52
17 Q Why would -- why would e-mail accounts and 14:52
18 e-mail archives owned by Tyto Lidar, LLC, be excluded 14:53
19 from this -- the sale? 14:53
20 MR. RADKE: Objection to form. 14:53
21 THE WITNESS: On the advice and direction of 14:53
22 my counsel, I respectfully decline to answer, and I 14:53
23 assert the rights guaranteed to me under the Fifth 14:53
24 Amendment to the Constitution of the United States. 14:53
25 MR. PERLSON: Q. Was that something that you 14:53

1 requested? 14:53

2 MR. RADKE: Objection to form. 14:53

3 THE WITNESS: On the advice and direction of 14:53

4 my counsel, I respectfully decline to answer, and I 14:53

5 assert the rights guaranteed to me under the Fifth 14:53

6 Amendment to the Constitution of the United States. 14:53

7 MR. PERLSON: Q. Do you know where that -- 14:53

8 where that e-mail is today? 14:53

9 MR. RADKE: Objection to the form. 14:53

10 THE WITNESS: On the advice and direction of 14:54

11 my counsel, I respectfully decline to answer, and I 14:54

12 assert the rights guaranteed to me under the Fifth 14:54

13 Amendment to the Constitution of the United States. 14:54

14 MR. PERLSON: Q. Did you want the 14:54

15 acquisition to exclude e-mail accounts and e-mail 14:54

16 archives in order to conceal your involvement with 14:54

17 Tyto Lidar, LLC? 14:54

18 MS. DUNN: Form. 14:54

19 MR. RADKE: Objection to form. 14:54

20 THE WITNESS: On the advice and direction of 14:54

21 my counsel, I respectfully decline to answer, and I 14:54

22 assert the rights guaranteed to me under the Fifth 14:54

23 Amendment to the Constitution of the United States. 14:54

24 MR. PERLSON: Q. Have the -- have the Tyto 14:54

25 Lidar e-mail accounts and e-mail archives been 14:54

1 destroyed? 14:54

2 A On the advice and direction of my counsel, I 14:54

3 respectfully decline to answer, and I assert the 14:54

4 rights guaranteed to me under the Fifth Amendment to 14:54

5 the Constitution of the United States. 14:54

6 Q Do you know what I'm referring to when I 14:54

7 refer to the Chauffeur Bonus Plan? 14:55

8 A On the advice and direction of my counsel, I 14:55

9 respectfully decline to answer, and I assert the 14:55

10 rights guaranteed to me under the Fifth Amendment to 14:55

11 the Constitution of the United States. 14:55

12 Q Was it your understanding that under the 14:55

13 Chauffeur Business [sic] Plan, there was to be a first 14:55

14 amount determined by calculating the product of the 14:55

15 participant's first bonus allocation percentage as of 14:55

16 the first exchange date, and the applicable pro- -- 14:55

17 project valuation? 14:55

18 MR. RADKE: Objection to form. 14:56

19 MS. DUNN: Form. 14:56

20 THE WITNESS: On the advice and direction of 14:56

21 my counsel, I respectfully decline to answer, and I 14:56

22 assert the rights guaranteed to me under the Fifth 14:56

23 Amendment to the Constitution of the United States. 14:56

24 MR. PERLSON: Sorry. Why don't we take a 14:56

25 break. I'm having trouble finding something. 14:57

1 the Constitution of the United States. 17:29

2 Q Okay. And they started something called 17:29

3 Nuro, which is also a self-driving company; isn't that 17:29

4 right? 17:29

5 A On the advice and direction of my counsel, I 17:29

6 respectfully decline to answer, and I assert the 17:29

7 rights guaranteed to me under the Fifth Amendment to 17:29

8 the Constitution of the United States. 17:29

9 Q Okay. So, in fact, nearly all of the leaders 17:29

10 of Chauffeur got out by 2016? 17:29

11 A On the advice and direction of my counsel, I 17:29

12 respectfully decline to answer, and I assert the 17:29

13 rights guaranteed to me under the Fifth Amendment to 17:29

14 the Constitution of the United States. 17:29

15 Q Okay. And nearly all these folks went to go 17:29

16 work for competitors to Waymo, working in the 17:29

17 self-driving space; isn't that right? 17:29

18 MR. PERLSON: Objection; form. 17:29

19 THE WITNESS: On the advice and direction of 17:29

20 my counsel, I respectfully decline to answer, and I 17:29

21 assert the rights guaranteed to me under the Fifth 17:29

22 Amendment to the Constitution of the United States. 17:29

23 MS. DUNN: All right. 17:29

24 Q Waymo's counsel asked you a number of 17:30

25 questions about Odin Wave and Tyto Lidar. 17:30

1 Do you remember that? 17:30

2 A I remember the -- 17:30

3 Q Do you remember -- 17:30

4 A -- events earlier today, yes. 17:30

5 Q Mr. Levandowski, you never told anyone at 17:30

6 Uber, including Travis Kalanick, of any financial 17:30

7 interests you had in Odin Wave; isn't that true? 17:30

8 MR. RADKE: Object to form. 17:30

9 THE WITNESS: On the advice and direction of 17:30

10 my counsel, I respectfully decline to answer, and I 17:30

11 assert the rights guaranteed to me under the Fifth 17:30

12 Amendment to the Constitution of the United States. 17:30

13 MS. DUNN: Q. And you never told anyone at 17:30

14 Uber, including Travis Kalanick, of any financial 17:30

15 interests that your immediate family members had in 17:30

16 Odin Wave; isn't that true? 17:30

17 MR. RADKE: Object to form. 17:30

18 THE WITNESS: On the advice and direction of 17:30

19 my counsel, I respectfully decline to answer, and I 17:30

20 assert the rights guaranteed to me under the Fifth 17:30

21 Amendment to the Constitution of the United States. 17:30

22 MS. DUNN: Q. You never told anyone at Uber, 17:30

23 including Mr. Kalanick, of any financial interests you 17:30

24 or your immediate family members had in Tyto Lidar; 17:31

25 isn't that right? 17:31

1 MR. RADKE: Object to form. 17:31

2 THE WITNESS: On the advice and direction of 17:31

3 my counsel, I respectfully decline to answer, and I 17:31

4 assert the rights guaranteed to me under the Fifth 17:31

5 Amendment to the Constitution of the United States. 17:31

6 MS. DUNN: Q. You never told anyone at Uber, 17:31

7 including Mr. Kalanick, of any financial interests you 17:31

8 or your immediate family members had in the Sandstone 17:31

9 Group; did you? 17:31

10 MR. RADKE: Object to form. 17:31

11 THE WITNESS: On the advice and direction of 17:31

12 my counsel, I respectfully decline to answer, and I 17:31

13 assert the rights guaranteed to me under the Fifth 17:31

14 Amendment to the Constitution of the United States. 17:31

15 MS. DUNN: Q. You never told anyone at Uber, 17:31

16 including Mr. Kalanick, of any financial interests you 17:31

17 had in something called the [REDACTED]; isn't that 17:31

18 true? 17:31

19 MR. RADKE: Object to the form. 17:31

20 THE WITNESS: On the advice and direction of 17:31

21 my counsel, I respectfully decline to answer, and I 17:31

22 assert the rights guaranteed to me under the Fifth 17:31

23 Amendment to the Constitution of the United States. 17:31

24 MS. DUNN: Q. And you never told anyone at 17:31

25 Uber of any financial interests that any of your 17:31

1 immediate family members had in what's called the 17:31
2 [REDACTED]; isn't that right? 17:32
3 MR. RADKE: Object to form. 17:32
4 THE WITNESS: On the advice and direction of 17:32
5 my counsel, I respectfully decline to answer, and I 17:32
6 assert the rights guaranteed to me under the Fifth 17:32
7 Amendment to the Constitution of the United States. 17:32
8 MS. DUNN: Q. You concealed from Uber that 17:32
9 [REDACTED] would benefit from Otto's purchase of 17:32
10 Tyto's assets which Uber had funded; isn't that true? 17:32
11 MR. RADKE: Object to the form. 17:32
12 THE WITNESS: On the advice and direction of 17:32
13 my counsel, I respectfully decline to answer, and I 17:32
14 assert the rights guaranteed to me under the Fifth 17:32
15 Amendment to the Constitution of the United States. 17:32
16 MS. DUNN: Okay. 17:32
17 Q And your financial interests should have been 17:32
18 disclosed to Uber; shouldn't they have? 17:32
19 MR. RADKE: Object to form. 17:32
20 THE WITNESS: On the advice and direction of 17:32
21 my counsel, I respectfully decline to answer, and I 17:32
22 assert the risks -- I assert the rights guaranteed to 17:32
23 me under the Fifth Amendment to the Constitution of 17:32
24 the United States. 17:32
25 MS. DUNN: Q. Mr. Levandowski, you're aware 17:32

1 MS. DUNN: Q. Mr. Levandowski, Waymo's 17:33
2 counsel asked you about disclosures that you were to 17:34
3 make about bad acts, in order to secure an indemnity 17:34
4 from Uber. 17:34
5 Do you remember being asked those question? 17:34
6 A I do remember the questions. 17:34
7 Q You did -- you did not tell Uber complete and 17:34
8 truthful information about several bad acts that you 17:34
9 had done; isn't that right? 17:34
10 A On the advice -- 17:34
11 MR. EHRLICH: I'm going to -- first of all, 17:34
12 I'm going to object, based on common interest 17:34
13 privilege, and instruct the witness not to answer -- 17:34
14 not to answer. 17:34
15 THE WITNESS: I'm going to listen to my 17:34
16 counsel. 17:34
17 MR. PERLSON: I'm going to point out another 17:35
18 sword and shield issue here. I don't -- I don't know 17:35
19 exactly what it is that you're referring to. But from 17:35
20 the beginning of this case, Uber shielded us from 17:35
21 getting information about these very bad acts, and now 17:35
22 you're asking him questions about that. It's another 17:35
23 instance of sword and shield. We'll raise this with 17:35
24 the judge. 17:35
25 MS. DUNN: David, this is just an exact 17:35

1 MS. DUNN: Q. You did not download these 17:40
2 files to bring them to Otto or to bring them to Uber; 17:40
3 isn't that right? 17:40
4 A On the advice -- 17:40
5 MR. PERLSON: Objection to form. 17:40
6 THE WITNESS: On the advice and direction of 17:40
7 my counsel, I respectfully decline to answer, and I 17:40
8 assert the rights guaranteed to me under the Fifth 17:40
9 Amendment to the Constitution of the United States. 17:40
10 MS. DUNN: Q. And you did not download these 17:40
11 files to use at Otto or Uber; isn't that right? 17:40
12 MR. PERLSON: Objection; form. 17:40
13 THE WITNESS: On the advice and direction of 17:40
14 my counsel, I respectfully decline to answer, and I 17:40
15 assert the rights guaranteed to me under the Fifth 17:40
16 Amendment to the Constitution of the United States. 17:41
17 MS. DUNN: Q. You did not download these 17:41
18 files to share information in them with anyone at Otto 17:41
19 or Uber; isn't that right? 17:41
20 A On the advice and direction of my counsel, I 17:40
21 respectfully decline to answer -- excuse me -- and I 17:40
22 assert the rights guaranteed to me under the Fifth 17:40
23 Amendment to the Constitution of the United States. 17:40
24 Q You did not download these files at Uber's 17:41
25 request; isn't that right? 17:41

1 rights guaranteed to me under the Fifth Amendment to 17:42
2 the Constitution of the United States. 17:42

3 Q In fact, prior to filing -- prior to Waymo's 17:42
4 filing the complaint in this case, you didn't tell 17:42
5 anyone at Uber that you intentionally downloaded and 17:42
6 retained Google files in December of 2015 and 17:42
7 December -- and January of 2016? 17:42

8 A On the advice and direction of my counsel, I 17:42
9 respectfully decline to answer, and I assert the 17:42
10 rights guaranteed to me under the Fifth Amendment to 17:42
11 the Constitution of the United States. 17:43

12 Q And, prior to the filing of the complaint in 17:43
13 this case, you did not tell anyone at Uber that you 17:43
14 transferred intentionally downloaded files to a 17:43
15 personal computer; isn't that right? 17:43

16 A On the advice and direction of my counsel, I 17:43
17 respectfully decline to answer, and I assert the 17:43
18 rights guaranteed to me under the Fifth Amendment to 17:43
19 the Constitution of the United States. 17:43

20 Q Okay. And, prior to the filing of the 17:43
21 complaint by Waymo in this case, you didn't tell 17:43
22 anyone at Uber that you intentionally downloaded and 17:43
23 retained files for any period of time? 17:43

24 MR. PERLSON: Objection; form. 17:43

25 THE WITNESS: On the advice and direction of 17:43

1 my counsel, I respectfully decline to answer, and I 17:43
2 assert the rights guaranteed to me under the Fifth 17:43
3 Amendment to the Constitution of the United States. 17:43

4 MS. DUNN: Q. And you also didn't tell 17:43
5 anyone at Otto about any intentionally downloaded 17:43
6 Google files before the complaint was filed by Waymo 17:43
7 in this case; isn't that right? 17:43

8 A On the advice and direction of my counsel, I 17:43
9 respectfully decline to answer, and I assert the 17:43
10 rights guaranteed to me under the Fifth Amendment to 17:43
11 the Constitution of the United States. 17:44

12 Q In fact, before Waymo filed its complaint in 17:44
13 this case, you didn't tell anyone at all that you had 17:44
14 intentionally downloaded Google files in December of 17:44
15 2015 and January of 2016; isn't that right? 17:44

16 A On the -- 17:44

17 MR. PERLSON: Objection; form. 17:44

18 THE WITNESS: On the advice and direction of 17:44
19 my counsel, I respectfully decline to answer, and I 17:44
20 assert the rights guaranteed to me under the Fifth 17:44
21 Amendment to the Constitution of the United States. 17:44

22 MS. DUNN: Q. Instead, you told some 17:44
23 Google -- some Uber employees on March 11th of 2016 17:44
24 that you had inadvertently retained some Google 17:44
25 materials on five discs; isn't that right? 17:44

1 A On the advice and direction of my counsel, I 17:44
2 respectfully decline to answer, and I assert the 17:44
3 rights guaranteed to me under the Fifth Amendment to 17:44
4 the Constitution of the United States. 17:44

5 Q And you recall that the CEO of Uber at the 17:44
6 time, Mr. Kalanick, made quite clear to you, that you 17:44
7 were not to bring those materials to Uber? 17:44

8 A On the -- 17:45

9 MR. PERLSON: Objection; form. 17:45

10 THE WITNESS: On the advice and direction of 17:45
11 my counsel, I respectfully decline to answer, and I 17:45
12 assert the rights guaranteed to me under the Fifth 17:45
13 Amendment to the Constitution of the United States. 17:45

14 Can we take a break? Are you okay with that? 17:45

15 MS. DUNN: You should -- I'm almost done. 17:45
16 Actually, let's take a break. 17:45

17 THE VIDEOGRAPHER: Off the record at 17:45
18 5:45 p.m. 17:45

19 (Recess taken.) 17:45

20 THE VIDEOGRAPHER: Back on the record at 17:59
21 5:59 p.m. 17:59

22 MS. DUNN: Q. Mr. Levandowski, after you 17:59
23 told Uber employees on March 11, 2016, that you had 17:59
24 inadvertently retained some Google materials on 17:59
25 five discs, the CEO of Uber made very clear to you 17:59

1 that you were not to bring those materials to Uber; 18:00
2 isn't that right? 18:00
3 A On the advice and direction of my counsel, I 18:00
4 respectfully decline to answer, and I assert the 18:00
5 rights guaranteed to me under the Fifth Amendment to 18:00
6 the Constitution of the United States. 18:00
7 Q And after that, you told Uber that you had 18:00
8 destroyed those materials; isn't that true? 18:00
9 A On the advice and direction of my counsel, I 18:00
10 respectfully decline to answer, and I assert the 18:00
11 rights guaranteed to me under the Fifth Amendment to 18:00
12 the Constitution of the United States. 17:44
13 Q And isn't it the case that Uber told you very 17:44
14 clearly not to bring any proprietary or confidential 18:00
15 information with you to Uber from a former employer? 18:00
16 A On the advice and direction of my counsel, I 18:00
17 respectfully decline to answer, and I assert the 18:00
18 rights guaranteed to me under the Fifth Amendment to 18:00
19 the Constitution of the United States. 18:00
20 Q And you told Uber you would not bring any 18:00
21 proprietary or confidential information with you to 18:00
22 Uber from a former employer; isn't that right? 18:01
23 A On the advice and direction of my counsel, I 18:01
24 respectfully decline to answer, and I assert the 18:01
25 rights guaranteed to me under the Fifth Amendment to 18:01

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1 the Constitution of the United States. 17:44

2 Q And you signed agreements expressly saying 17:44

3 that you would not bring any proprietary or 18:01

4 confidential information with you from a former 18:01

5 employer; isn't that right? 18:01

6 A On the advice and direction of my counsel, I 18:01

7 respectfully decline to answer, and I assert the 18:01

8 rights guaranteed to me under the Fifth Amendment to 18:01

9 the Constitution of the United States. 18:01

10 Q Mr. Levandowski, Uber did independently 18:01

11 design the Fuji system that has [REDACTED]; 18:01

12 isn't that correct? 18:01

13 A On the advice and direction of my counsel, I 18:01

14 respectfully decline to answer, and I assert the 18:01

15 rights guaranteed to me under the Fifth Amendment to 18:01

16 the Constitution of the United States. 18:01

17 Q And Uber did independently develop its own 18:01

18 [REDACTED] for the Fuji device; didn't it? 18:01

19 A On the advice and direction of my counsel, I 18:01

20 respectfully decline to answer, and I assert the 18:01

21 rights guaranteed to me under the Fifth Amendment to 18:01

22 the Constitution of the United States. 18:01

23 Q And Uber did independently develop the design 18:02

24 in the Fuji device that had [REDACTED] 18:02

25 [REDACTED]; isn't that 18:02

1 my counsel, I respectfully decline to answer, and I 18:04
2 assert the rights guaranteed to me under the Fifth 18:04
3 Amendment to the Constitution of the United States. 18:04
4 MS. DUNN: Q. Mr. Levandowski, if you told 18:04
5 the truth about what you did, that would make clear 18:04
6 that your downloading while at Google had nothing to 18:04
7 do with Uber; correct? 18:04
8 MR. PERLSON: Objection; form. 18:04
9 THE WITNESS: On the advice and direction of 18:04
10 my counsel, I respectfully decline to answer, and I 18:04
11 assert the rights guaranteed to me under the Fifth 18:04
12 Amendment to the Constitution of the United States. 18:04
13 MS. DUNN: Q. But you would not cooperate 18:04
14 with Uber's investigation in this case; right? 18:04
15 MR. EHRLICH: Object to form. 18:04
16 MR. PERLSON: Objection. I think I asked 18:04
17 that question and got an instruction from earlier, but 18:04
18 maybe I'm misremembering. Go ahead and ask that 18:04
19 question. 18:04
20 But you ask him that -- if you ask him that 18:04
21 question, everything involved in terms of your -- of 18:05
22 his involvement in the investigation you've waived, 18:05
23 because you're -- you are now -- by asking that 18:05
24 question, you are now eliciting the same information 18:05
25 that you've been not allowing us to go into for weeks 18:05

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1 and weeks. But go ahead. 18:05

2 MS. DUNN: David -- 18:05

3 MR. RADKE: I'll go ahead and instruct not to 18:05

4 answer to the extent that this would involve 18:05

5 communication protected by the common interest 18:05

6 privilege. 18:05

7 MS. DUNN: That's fine. 18:05

8 MR. EHRLICH: And I would join into that 18:05

9 instruction. 18:05

10 But, to the extent you can answer the 18:05

11 question without reference to communications with any 18:05

12 counsel, or common interest protected discussions, you 18:05

13 can give your answer. 18:05

14 THE WITNESS: On the advice and direction of 18:05

15 my counsel, I respectfully decline to answer, and I 18:05

16 assert the rights guaranteed to me under the 18:05

17 Fifth Amendment to the Constitution of the United 18:05

18 States. 18:05

19 MS. DUNN: I want to put one thing on the 18:06

20 record, which is, David, I don't -- I don't think I 18:06

21 instructed on this question, first of all. 18:06

22 And second of all, in the letter terminating 18:06

23 Mr. Levandowski, it explains that he did not cooperate 18:06

24 with Uber's investigation in this case. 18:06

25 And I think that that is just one 18:06

1 the... 18:37

2 I'm going to instruct the witness not to 18:37

3 answer to the extent to which the -- it would call for 18:37

4 privileged communications. 18:37

5 To the extent it doesn't, of course, as 18:37

6 always, he's free to answer. 18:37

7 THE WITNESS: On the advice and direction of 18:37

8 my counsel, I respectfully decline to answer, and I 18:37

9 assert the rights guaranteed to me under the Fifth 18:37

10 Amendment to the Constitution of the United States. 18:38

11 MR. PERLSON: Q. Tell me everything that 18:38

12 you've done to cooperate with Uber's investigation in 18:38

13 relation to this litigation. 18:38

14 A On the advice and direction of my counsel, I 18:38

15 respectfully decline to answer, and I assert the 18:38

16 rights guaranteed to me under the Fifth Amendment to 18:38

17 the Constitution of the United States. 18:38

18 Q Was there anything that Uber's lawyers asked 18:38

19 you to do in relation to Uber's investigation, in 18:38

20 relation to this litigation, that you actually did? 18:38

21 A On the advice and direction of my counsel, I 18:38

22 respectfully decline to answer, and I assert the 18:38

23 rights guaranteed to me under the Fifth Amendment to 18:38

24 the Constitution of the United States. 18:38

25 Q Was -- what specifically did you tell Uber 18:38

1 you would not do in relation to Uber's investigation 18:38
2 in relation to this litigation? 18:39
3 A On -- 18:39
4 MR. EHRLICH: I'm going to object here, 18:39
5 again, based on the common interest privilege. 18:39
6 So, I'm going to instruct you not to give an 18:39
7 answer relating to any communications to Uber counsel 18:39
8 in connection with the litigation. 18:39
9 MR. RADKE: Otto Trucking joins the 18:39
10 instruction. 18:39
11 MR. EHRLICH: But outside of that, to the 18:39
12 extent they're not privileged communications, you can 18:39
13 answer. 18:39
14 MS. DUNN: Yeah, and I also will instruct to 18:39
15 the extent that they're privileged communications, to 18:39
16 not reveal the content. 18:39
17 But, to the extent that there are 18:39
18 non-privileged communications, the witness is free to 18:39
19 answer. 18:39
20 MR. PERLSON: Well, what's the line there? 18:39
21 MS. DUNN: It's not what this -- I mean, I -- 18:39
22 my instruction is proper. 18:39
23 MR. PERLSON: Are there -- well, let me ask 18:39
24 you this: Are there any conversations that occurred 18:39
25 with lawyers that wouldn't be privileged that he could 18:39

1 answer the question about that wouldn't be subject to 18:39
2 that instruction? 18:39
3 MS. DUNN: I -- David, your questions should 18:39
4 be to the witness. 18:39
5 MR. PERLSON: Well, I don't think it's 18:39
6 possible for him to comply with the -- the scope of it 18:40
7 the way that you've framed it. 18:40
8 MS. DUNN: I think that's -- 18:40
9 MR. PERLSON: Perhaps you should talk with 18:40
10 him about it. 18:40
11 MS. DUNN: I think I've -- I have made my 18:40
12 instruction. His -- 18:40
13 MR. PERLSON: Are there -- 18:40
14 MS. DUNN: He doesn't look as confused as you 18:40
15 look. 18:40
16 MR. PERLSON: Did you have any -- well, I 18:40
17 think his job is a little easier here today than -- 18:40
18 than mine. 18:40
19 Q But the -- the -- the -- did you have any 18:40
20 communications -- okay. 18:40
21 Well, let me -- let me ask you this: Are 18:40
22 there any conversations -- well, that's -- that's what 18:40
23 I asked you, that you objected to. 18:40
24 What specifically did Uber's lawyers tell you 18:40
25 to do in relation to Uber's investigation, in relation 18:40

1 to this litigation, that you refused to do? 18:40

2 MS. DUNN: Same instruction. 18:40

3 MR. EHRLICH: I think that that squarely 18:40

4 implicates privilege. So I'm going to instruct the 18:41

5 client not to answer. 18:41

6 MR. RADKE: Otto Trucking joins. 18:41

7 MR. PERLSON: Okay. I'm done for today, 18:41

8 subject to the various privilege issues and all the 18:41

9 other discovery issues out there that have yet to be 18:41

10 resolved. 18:41

11 MS. DUNN: I have only one additional 18:41

12 question. 18:41

13 MR. PERLSON: Okay. Do you want to just ask 18:41

14 it there, or do you want to switch? 18:41

15 MS. DUNN: I can ask it from here. 18:41

16 But you should look at the camera -- 18:41

17 THE WITNESS: Okay. I'll look at the camera. 18:41

18 MS. DUNN: -- so that we don't mess you up. 18:41

19 THE WITNESS: I'll pretend that you're asking 18:41

20 the question. 18:41

21 18:41

22 FURTHER EXAMINATION 18:41

23 BY MS. DUNN: 18:41

24 Q Mr. Levandowski, do you recall that 18:41

25 Mr. Perlson asked you about the relevance of the 18:41